

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR

ORDER

Pramod Rathi

Vs. State of Raj. & Anr.

S.B.CR.REVISION PETITION NO.432/2006

against the order dt.2.5.2006 passed by Chief
Judicial Magistrate, Sriganganagar in
Cr.Complaint No.60/2004.

DATE OF ORDER

:: July 10, 2006

PRESENT

HON'BLE MR.H.R.PANWAR,J.

Mr. M.K.Garg, for the petitioner.

Mr. Ashok Upadhyaya, P.P. for State.

Mr. Bheemkant Vyas, for non-petitioner No.2.

BY THE COURT:

Mr. Ashok Upadhyaya, Public Prosecutor appears for State
non-petitioner No.1 and Mr. Bheemkant Vyas for non-petitioner
No.2. Service is, therefore, complete.

Heard learned counsel for the petitioner and the Public
Prosecutor as also the counsel appearing for non-petitioner No.2.
Perused the order impugned.

From perusal of the order impugned, it appears that a sum of Rs.60,000/- and Rs.40,000/- respectively was taken on loan by non-petitioner No.2 from the petitioner which subsequently on 26.3.2004, non-petitioner No.2 returned to the petitioner for which a document-affidavit was executed by the petitioner, that document was earlier denied by the petitioner but the document was sent to Forensic Science Laboratory for the opinion of handwriting expert. In the opinion of the handwriting expert, the document showing the amount having been received by him from non-petitioner No.2 was found to be signed by petitioner. The petitioner did not return the cheques to non-petitioner No.2 even after receiving the loan amount. It appears that the document executed by the petitioner on being examined by the handwriting expert was found to be signed by the petitioner. In the circumstances, therefore, the court below was justified in taking the cognizance of the offence under section 420 I.P.C. against the petitioner.

At this stage, counsel for the petitioner submits that the petitioner will appear before the trial court on 24.7.2006 and move a regular bail.

In view of the statement of the learned counsel for

the petitioner, let the petitioner appear before the trial court on 24.7.2006 and move a regular bail. The trial court shall decide the bail application if filled by the petitioner on the same day in accordance with law. Till then, non-bailable warrant issued against the petitioner shall not be executed. However, it is made clear that if the petitioner fails to surrender before the trial court on 24.7.2006, it will be open for the trial court to secure his presence by a non-bailable warrant.

With the above observation, the revision petition is dismissed. Ad interim stay order dt. 1.6.2006 is hereby vacated.

(H.R.PANWAR),J.

m.asif/-